

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

HATEM MORRAR,
Plaintiff,

v.

MICHAEL CHERTOFF,
AS THE DIRECTOR OF
THE DEPARTMENT OF HOMELAND
SECURITY, ROBERT S. MUELLER, III
AS THE DIRECTOR OF FEDERAL
BUREAU OF INVESTIGATIONS
Defendants

No.: 08 C 151

A# 047 917 872

**PLAINTIFF’S MOTION TO STRIKE AND DISMISS
DEFENDANT’S MOTION FOR SUMMARY JUDGEMENT**

Plaintiff, HATEM MORRAR (“Morrar”) asks this Court to Strike Defendant’s (“Michael Chertoff, Secretary, Department of Homeland Security, and Robert Mueller, III, Director, Federal Bureau of Investigation”) Motion for Summary Judgment because it was file late. In support thereof, Plaintiff states as follows:

1. That on April 23, 2008 counsel for both Plaintiff and Defendants appeared before this Honorable Court.
2. That Defendant requested leave to file a Motion for Summary Judgement which was granted.
3. That the Court granted the Defendant’s request and allowed Defendants to file their Motion for Summary Judgement on or before May 7, 2008, with Plaintiff’s response due by May 14, 2008 followed by the Defendant’s reply due on or before May 28, 2008. *See* Order dated April 23, 2008.

4. That on May 7, 2008 the deadline of which Defendant's Motion for Summary Judgement was due, Counsel for Defendants sent an email to Plaintiff's counsel requesting her to agree to an extension of the time required for Defendant to file the Motion for Summary Judgment. Specifically, the Defendant's counsel requested two additional days in which to file, thus agreeing to extend the filing deadline to May 9, 2008. *See* email dated May 7, 2008 from Pierre Talbert attached hereto.

5. That Defendant's counsel filed the Motion for Summary on May 14, 2008, the date that was mandated by this Court as the deadline.

6. The Defendants did not seek leave of Court to file their tardy Motion For Summary Judgement, nor did they have the agreement of the Plaintiff to file their said motion after May 9, 2008.

7. The Plaintiff's counsel has contacted the attorney for the Defendants via e-mail to get him to seek the entry of an order extending the briefing schedule, but there has been no response.

WHEREFORE, Plaintiff prays that this Court enter an order striking the Defendants Motion For Summary Judgment filed on May 14, 2008, for being filed tardy without leave of Court and without the agreement of counsel.

/s/ Reem H. Odeh

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